Circular No. 06/2013-Customs

F. No. 494/4/2012-Cus.VI
Government of India
Ministry of Finance
Department of Revenue
Central Board of Excise & Customs
*****

Room No.253-A, North Block,
New Delhi, dated the 6th February, 2013

To,

All Chief Commissioners of Customs / Customs (Prev.).
All Chief Commissioners of Customs & Central Excise.
All Commissioners of Customs / Customs (Prev.).
All Commissioners of Customs & Central Excise.
All Director Generals under CBEC.

Subject: Issue of Custom House Agent License.

IndiaCode

Sir/ Madam

Attention is invited to Board's Circular No. 9/2010- Customs dated 08.04.2010 on the above cited subject.

2. The Hon'ble Supreme Court in Civil Appeal Nos. 4053-4061 of 2012 [arising out of SLP (C) Nos 19124-19132 of 2010] in the case of Sunil Kohli and others vs. Union of India and others vide order dated 27.04.2012 has held that those who had passed the examination under Customs House Agents Licensing Regulations, 1984 not have to again appear for examination under the Customs House Agents Licensing Regulations 2004 (CHALR 2004).

3. In order to implement the aforementioned decision of Hon'ble Supreme Court, Board has decided to delete Para 8.1 and Para 8.2 of Circular No. 9/2010- Customs dated 08.04.2010. The implication of this modification of Board Circular No. 9/2010- Customs dated 08.04.2010 is that the Custom shall no longer insist that persons who have passed the examination under the 1984 Regulations have to additionally qualify in the new subjects given below.

(a) The Patents Act, 1970 and Indian Copyright Act 1957;
(b) Central Excise Act, 1944;
(c) Export promotion schemes;
(d) Procedure on appeal and revision petition;
(e) Prevention of Corruption Act, 1988;
(f) Online filing of electronic Customs declarations;
(g) Narcotics Drug and Psychotropic Substances Act, 1985; and
(h) Foreign Exchange management Act, 1999.

Thus, subject to fulfilment of all others requirements such persons will now be directly eligible for grant of CHA license.

4. These instructions may be brought to the notice of the trade by issuing suitable Trade / Public Notices. Suitable Standing orders/instructions may be issued for the guidance of the field officers. Pending court cases, if any, may also be suitably handled.

5. Difficulties faced, if any, may be brought to the notice of the Board immediately.

Yours faithfully,

(S.C.Ganger)
Under Secretary (Customs)

IndiaCode